REMARKS

This response to the Office Action of June 9, 2010 is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in a condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

Applicants assert the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims are respectfully requested.

Status of Claims

Claims 1-29 are pending in the application. Claims 1, 7, 8, 12, 16, 22, 23 and 24 have been amended. Claims 1 and 22 are independent claims. Some of the amendments make corrections to grammar or were made to have the spelling of "signalling" be consistent with the British spelling of the word used in the specification. The amendments to the claims add no new matter.

CLAIM REJECTIONS
35 U.S.C. § 103(a) Rejection

Claims 1-29 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over Roque et al. (U.S. Publication 2002/0186687) in view of Suzuki (U.S. Publication 2002/0156925), in view of Thompson et al. (U.S. Publication 2002/0018462) and in view of Venkatesh et al. (U.S. Publication 2004/0240486).

Applicants have amended independent Claims 1 and 22. Each of Claims 2-21 and 23-29 depends from one of independent Claims 1 or 22. Applicants respectfully submit none of Roque, Suzuki, Thompson or Venkatesh, alone, or taken together, discloses, teaches or suggests the limitations of independent Claims 1 and 22 as amended.

a. Claim 1

Roque, for one, does not disclose or suggest all of the elements of Claim 1, as amended, which recites, *inter alia*:

> A method of controlling a local process …with a plurality of remote processes in a second processing entity… comprising …
>
> * * *
>
> - queuing, at the computer executing the local process, data messages destined for that remote process, the data messages queued according to the order in which they are received at the computer;
>
> - controlling the transmission of an acknowledgement of the failure message … so that data messages pending on the association are ensured as received in sequence before acknowledgement of the failure message; and
>
> - initiating a traffic diversion to set up an alternate path … with said initiating comprising testing of a data type value of the queued data messages and based on the data type value test result finding either an alternate local process for transmitting queued data messages to the remote process or forwarding data to an alternate remote process serving the remote processing entity.

At least each of the elements above is lacking in Roque. As Roque describes only a limited response in terms of signalling gateway process (SGP) management, the reference cannot disclose or suggest the elements recited in claim 1, as amended.

i) "queuing, at the computer executing the local process … the messages queued according to the order they are received at the computer"

First, Roque does not teach queuing messages "according to the order they are received at the computer", as is recited in claim 1, as amended. The Office Action states Roque discloses a recital of "queuing" (par. 4, p. 3). However, Applicants respectfully assert this incorrect.

Roque makes no mention of queuing. The word "queue", or any variant of "queue", does not appear in the reference. Roque states only when a "down" or "inactive" message is received by an application process, it has to "stop traffic" towards a signalling gateway process. E.g. Roque, par. 0385. See also Fig. 12: "Stop traffic to this SGP". The description of "stop traffic" in Roque does not discuss or provide any mention of queuing. The limited statement of "stop traffic", as found in Roque, does not describe or suggest any kind of "queuing" where "the messages are queued according to the order they are received at the computer" [emphasis

provided], as is recited in Claim 1 as amended. Accordingly, Roque lacks at least this "queuing" element of Claim 1, as amended.

ii) "controlling the transmission of an acknowledgement message … so that data messages pending on the association are ensured as received in sequence before acknowledgement"

Roque further lacks the element of "controlling the transmission of an acknowledgement of the failure message … so that data messages pending on the association are ensured as received in sequence before acknowledgement of the failure message". The Office Action cites Figs. 6-12 and paragraphs [0372] and [0352] from Roque as disclosing "controlling" transmission of an acknowledgement message. (See Office Action p. 4) Applicants respectfully dispute those citations and figures provide such a recital. Further, Applicants respectfully assert Roque does not describe or suggest, with the citations above or any other citations, what is recited in Claim 1, as amended. Roque does not show, for example, "controlling" so that "messages pending on the association are "ensured as received in sequence before acknowledgement of the failure message" [emphasis provided] as is recited in Claim 1 as amended.

Paragraph [0372] of Roque, for example, cited in the Office Action, does not discuss at all the sending of an acknowledgement. The paragraph states only that "[w]hen…a 'communication down indication' (CDI) is received…then the SGP status of such SGP will also be set to 'SGP_DOWN'…" Such a description of status setting does not teach "transmission" of any acknowledgement, and it also does not teach "controlling the transmission of an acknowledgement". Cited paragraph [0352] is also inapposite in this regard, because that paragraph discusses using an active signalling gateway process (one with active status "in the storage means") and does not discuss transmitting any "acknowledgement".

The figures cited further provide no disclosure or suggestion concerning "controlling the transmission of an acknowledgement so that "messages pending on the association are ensured as received in sequence before acknowledgement of the failure message" [emphasis provided]. Figures 6-12 show only arrows for sending "down" and "down-ack" messages (see, e.g., "ASPIA/ASPDOWN", "ASPIA-ACK/ASPDOWN-ACK", "SGPIA/SGPDOWN" and "SGPDOWN-ACK" arrows, Fig. 6).

Depicting in a figure only the transmission of a signal, such as an ASPDOWN-ACK or SGPDOWN-ACK, e.g. using an arrow depiction, does not show, how the transmission would be "controlled" (such as for example by delaying the transmission) so that "messages pending on the association are ensured as received in sequence before acknowledgement of the failure message." Showing transmission by arrow depiction further does not show what is recited in Claim 1 as amended. No other Roque section or figure provides such a teaching either. Accordingly, Roque lacks at least this second element of Claim 1, as amended of "controlling the transmission of an acknowledgement message ... so that data messages pending on the association are ensured as received in sequence before acknowledgement".

iii) "initiating a traffic diversion ... said initiating comprising testing of a data type value ... and based on the data type value test result finding either an alternate local process ...or forwarding data to an alternate remote process serving the remote processing entity"

Roque further lacks any teaching concerning a traffic diversion, where "initiating" the traffic diversion comprises, as is recited in Claim 1, as amended, "testing of a data type value of the queued data messages and, based on the data type value test result, either finding an alternate local process for transmitting queued data messages to the remote process or forwarding data to an alternate remote process serving the remote processing entity".

At paragraphs [0351]-[0354], Roque describes an application server process "using" an "alternative SGP...whose status...shows it is active for traffic" or "starting an activation procedure with an alternative SGP". However the finding of an "alternative" in Roque is not determined by "testing" the data type "of the queued data message" and then "based on that data type" selecting a particular kind of alternative path as is recited in Claim 1 as amended. Paragraphs [0351]-[0354] in Roque describe only one kind of alternative path: an alternative SGP, which is created using an SGP that is either currently activated or activated via an activation procedure. Such a description does not teach "initiating" a path diversion that provides, *inter alia*, for different paths, e.g. either an alternate application server

process (ASP) or an active diversion signalling gateway process (SGP), based on the data type of the message.

The Office Action cites paragraphs [0164]-[0168] and Fig. 5 in Roque concerning "Traffic Handling Mode (THM's) information elements". However, such a reference does not teach the recital of "testing" the "data type value of the queued data messages and based on the data type value test result finding either an alternate local process ... or forwarding data to an alternate remote process". In Roque, THM data is part of configuration data, such as the configuration data of a signalling gateway process (SGP). See, e.g., par. [0158]. While in Roque a particular SGP may be configured to receive certain data, that does not teach the process of "testing" a "data type value" of a queued data message" and selecting either an "alternate local process" ... or "an alternate remote process" as an alternative path, based on the test [emphasis provided]. Accordingly, Roque further lacks at least this additional element of Claim 1 as amended.

For at least the above reasons, Roque does not disclose or suggest the elements of Claim 1, as amended. Suzuki, Thompson and Venkatesh do not cure the defects in Roque.

For example, as stated in Applicant's previous response (of March 22, 2010), Suzuki does not disclose or suggest "testing of a data type value of the queued data messages" during initiation of a "traffic diversion" [emphasis provided]. Suzuki's technique for finding an alternate route between a signalling gateway and an application process is to perform a calculation based on routing information and that is not what is recited in Claim 1, as amended. (See Suzuki, par [0061] and Fig. 5, step S16). In particular, Suzuki does not teach choosing the particular alternative path, such as "finding either an alternate local process ... or forwarding data to an alternate remote process" based on the results of the data type value test, as is also recited in Claim 1. Recitals of "queuing" and "controlling the transmission of an acknowledgement" are also lacking in Suzuki.

Thompson and Venkatesh also do not cure the defects. For example, both Thompson and Venkatesh do not disclose or suggest, as is recited in Claim 1, as amended, "testing of a data type value of the queued data messages and based

on the data type value test result finding either an alternate local process ... or forwarding data to an alternate remote process serving the remote processing entity" [emphasis provided]. Thompson redistributes packets, for example, "on the queue that is least full". See, Thompson, pars [0094], [0098] and [0099]. Venkatesh, likewise, has no apposite description concerning this element.

Accordingly, Roque, Suzuki, Thompson and Venkatesh, either alone or in combination, do not disclose or suggest the elements of Claim 1, as amended.

b. Claim 22

Likewise, Roque, Suzuki, Thompson and Venkatesh, either alone or in combination do not disclose or suggest the elements of Claim 22, as amended. Claim 22, like Claim 1, recites, *inter alia*, "initiating a traffic diversion in response to a failure message to set up an alternate path ... said initiating comprising testing of a data type value of the queued data messages and based on the data type value test result finding either an alternate local process for transmitting queued data messages to the remote process or forwarding data to an alternate remote process serving the remote processing entity". Such a recital of "testing" and then "based on the data type value" setting different alternative paths is not disclosed or taught in Roque, Suzuki, Thompson or Venkatesh, for example, as is discussed above.

Claim 22 further recites, *inter alia*:

> - sending from the first signalling gateway process to at least one of the other signalling gateway processes a first inter-signalling gateway process control signal to flush messages to the first application server process on any diversion path associated with that other signalling gateway process;
>
> and
>
> - verifying by a second a inter-signalling gateway process control signal that messages on diversion paths associated with the other signalling gateway process have been received by application server processes; [Emphasis provided]

Such additional elements, at least, are again not found in Roque, Suzuki, Thompson or Venkatesh. For example, Roque does not disclose or suggest any

type of "inter-signalling gateway process control signal" to "flush messages" on a "diversion path" or any verifying "by a second inter-signalling gateway process control signal" that messages on diversion paths." Suzuki employs a "common gateway management unit", see, e.g., Paragraphs [0011]-[0017], and does not use inter-signalling gateway process messaging (e.g. SGP to SGP messaging). Thompson and Venkatesh do not discuss switch back using any steps of "sending… inter-signalling gateway process control signal[s]" for message flushing or "diversion path" verifying.

Accordingly, Roque, Suzuki, Thompson and Venkatesh, either alone or in combination, do not disclose or suggest the elements of Claim 1, as amended.

c. Roque in view of Suzuki, Thompson and Venkatesh (Claims 2-21 and 23-29)

In addition, as discussed, none of Roque, Suzuki, Thompson or Venkatesh, alone, or taken together, discloses or suggests all the limitations of Claim 1, as amended, and, correspondingly, of Claim 22, as amended. For at least the above reasons, Applicants respectfully assert that Claims 1 and 22 are allowable.

Claims 2-21 and 23-29 each depend upon one of independent Claims 1 or 22. Each of claims 2-21 and 23-29 includes the limitations of the independent claim from which it depends. As Claims 1 and 22 are allowable, it is submitted that each of the dependent Claims 2-21 and 23-29 is likewise allowable.

Accordingly, Applicants respectfully assert that the rejection of Claims 1-29 under 35 U.S.C. § 103(a) as being unpatentable over Roque in view of Suzuki and in view of Thompson be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, and for at least the reasons discussed above, Applicants respectfully submit that the pending Claims 1-29 are allowable. Their favorable consideration and allowance is respectfully requested.

The Examiner is invited to telephone the undersigned to discuss any still outstanding matters with respect to the present application.

Respectfully submitted,

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